



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Sanctuary System
Stellwagen Bank National Marine Sanctuary
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9SAC MINUTES

9th SANCTUARY ADVISORY COUNCIL MEETING
Clarion Nantasket Beach Hotel Hull, MA
4 December 2003

MINUTES OF MEETING

PRESENT

William Adler	
Regina Asmutis	(Alternate to Susan Farady)
Peter Auster	
Peter Borrelli	
Priscilla Brooks	
Gib Chase	(Alternate to Pricilla Brooks)
Kathleen Dolan	(Ex-Officio Member)
Susan Farady	
Barry Gibson	
Jerry Hill	
CDR Mike Hennessey	
Donald Hourihan	(Alternate to John Williamson)
Paul Howard	(Ex-Officio Member)
Kathi Rodriguez	(Designee for Patricia Kurkul) (Ex-Officio Member)
David Slocum	(Alternate for Jerry Hill)
Dick Wheeler	
John Williamson	
Sally Yozell	

SBNMS and NATIONAL PROGRAM STAFF

Craig MacDonald, Superintendent	Ben Haskell	Kate Van Dine
Nathalie Ward	Anne Smrcina	

OTHERS PRESENT

Daniel Morast	Heather Rockwell	Sue Rocca
Rosemarie Bradley	Kate Stakely	Kevin Chu



I. Welcome and Approval Minutes (John Williamson)

- Approval of 8th SAC Minutes as *Amended* (**MOTION**)

Peter Auster requested that the 8th SAC Minutes reflect a discussion that the working groups develop a range of alternatives for each issue and leave it to the SAC to choose the preferred alternative that would be forwarded to the SBNMS.

- Review of Agenda: Accepted.

II. SAC Business (Nathalie Ward)

SBNMS Council Recruitment

Ward announced that SBNMS will recruit membership for all SAC seats (i.e., 15 voting Members and 15 Alternates). The announcement will be made in the Federal Register Notice. The current SAC membership term expires 20 March 2004. Deadline for application is 20 February 2004. Incumbent members were encouraged to reapply. Ward will send applications to all SAC members 15 December 2003 (via postal service). Ex-Officio's to not need to reapply to retain seats.

Q. "Do Ex-Officios need to reapply?"

A. No.

Guest Speakers

Ward asked the membership to provide suggestions for future luncheon speakers.

Constituent Reports

Ward requested that the Council consider a new addition to future SAC agendas — Constituent Reports. The Report would detail the constituent's topic of interest such as an update of constituent outreach and education, research, conferences, status report of stakeholder group, volunteer efforts, etc. Members agreed that the effort may be an effective means of communication among constituents. The Agenda time allocated is 10 minutes per report, with two constituent reports per meeting.

Other Business

The Council agreed that future SAC meeting documents will be emailed to SAC members; hard copies will not be provided except when new issues are brought forth at the meeting. Additionally, some hard copies will be provided for the public.

III. Working Group Membership (Craig MacDonald)

Membership and Updates

MacDonald reviewed the 12 SBNMS Working Groups membership list, and the WG calendar. He reported the following: to date, 3 of 12 WGs had convened including Marine Mammal Behavioral Disturbance (11/17), Maritime Archeology (11/24) and Water Quality (11/24). The WG membership list was provided to the Council.

WG Reference Documents and Talking Points

MacDonald reviewed briefly the WG Reference document: *Management Plan Review, Stellwagen Bank National Marine Sanctuary Reference Document for SAC Working Groups* (November 2003).

MOTION made to adopt Working Group Reference Documents to function as Working Group guidelines.

Discussion

The SAC discussed the WG process. Questions and statements tabled included:

Q. What happens if the WG cannot reach consensus or a “preferred agreement?”

A. MacDonald noted that the preference is to reach agreement (Headquarters stated to “take out” consensus.) However, we need to recognize that a range of options may be the result instead.

Some members suggested that if an issue is controversial, the WG should avoid coming up with only one “negotiated recommendation,” but rather the WG should provide a range of alternatives for the SAC to consider and then choose a “preferred alternative.” It was noted that alternatives must reflect the purposes and mission for which the SBNMS site is mandated.

MOTION made that if two-thirds of the WG were strongly against a recommendation, it should be recorded as a “minority report” accompanied by a strong rationale.

(Vote: 5 for/ 2 against/ 1 abstention).

Q. How does WG inform the NEPA process?

A. The WG provides advice that helps the Sanctuary Program conduct its NEPA analysis.

Q. What kind of role does a non-voting member play at the SAC level for the development of the Action Plan?

A. Ex-Officios do not vote according to SBNMS Charter but serve as important participants in (making and discussing WG recommendations

IV. Sanctuary Report (Craig MacDonald)

- Ben Cowie-Haskell provided an update for the *Portland* conference, “After the Storm,” which was held at the southern Maine Community College in South Portland on Friday, 7/8 November 2003.
- Anne Smrcina provided an update of SBNMS website, specifically for the Working Group Management Plan Review process. She stated that each WG has its own site; the Agendas and Minutes will be posted (PDF files) and the WG Calendar is posted.
- MacDonald reported on SBNMS’s comments to the New England Fisheries Council (NEFMC) regarding Amendment 13. The Council requested that the letter be sent to the SAC.

V. Working Lunch: “Rebuilding New England Fisheries” (Paul Howard, NEFMC).

VI. National Marine Sanctuaries Act: Reauthorization

MacDonald presented an overview of the NMSA, past amendments to the NMSA, the reauthorization process and timeline (20 December 2003) for the SAC's comments to Dan Basta.

Williamson noted that a subcommittee (Executive Committee) was tasked to attend to SBNMS's reauthorization comments on behalf of the SAC. Comments had been received and distributed for the SAC's review prior to the 4 December meeting.

Borelli suggested that he would send out a SAC email to enlist additional comments regarding NMSA Reauthorization and compile them to send a letter to Dan Basta on behalf of the Council.

VII. SBNMS Charter

MacDonald stated that the SAC has the opportunity to comment on the SBNMS Charter (renewal March 2004). All SAC recommendations should pertain to fixing procedural problems and be forthcoming by the end of the next SAC meeting (10 February). An example of a revision recently adopted to the programmatic National Marine Sanctuary Advisory Council Charter, under the Operations Section on SubCommittees, reads: (Amendment # 1: handout to SAC)

Subcommittees:

"The Council and the Sanctuary Manager may establish such subcommittees as necessary to fulfill the Council's duties. Subcommittees shall be composed solely of members of the Council; *at the Manager's discretion, alternates may also serve on subcommittees.*

The subcommittee must be chaired by a primary member of the Council. Subcommittees shall be recognized as official subunits of the Council and are subject to all requirements of the Charter. ... (Bold, italics is amended language).

Q. Do other sites have Ex-Officio voting members?

A. The status of Ex-Officio members varies across sites.

Q. Why are some agencies not represented such as U.S. Fish and Wildlife, EPA and Army Corps of Engineers for Ex-Officio positions?

A. For many agencies, SBNMS does not relate to their interests to merit their participation.

MacDonald noted that the voting language contained in the Charter states that a quorum is 8 members; any decision made must be passed by a majority.

VIII. Other Business

- Ward noted that the SAC Annual Report (2003) was available for interested members.
- The Council suggested that the 10th SAC meeting's agenda devote 1/3 of meeting to WG presentations, 1/3 to SBNMS Charter discussion, and 1/3 to NMSA Reauthorization discussion.

IX. **Public Comment** — None.

X. **Adjourn: SAC WG COCKTAIL PARTY hosted by NMSF**

SUMMARY of MOTIONS
4 December 2004
SBNMS SAC Meeting

MOTION made to approve 8th SAC Minutes.

MOTION made to adopt Working Group Reference Documents to function as Working Group guidelines.

MOTION made that if two-thirds of the WG were strongly against a recommendation, it should be recorded as a “minority report” accompanied by a strong rationale. (Vote: 5 for/ 2 against/ 1 abstention).